**HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI**

**Writ Petition No. 12585 of 2001**

**Between:**

Routu Saraiah

... Petitioner

**And**

The Superintendent of Police,
Khammam & another

... Respondents

**:: O R D E R ::**

Counsel for the petitioner : Shri Kowturu Vinay Kumar

Counsel for the respondents : Assistant Government Pleader for Home

**September 12, 2007**

In this petition, the petitioner has prayed for issue of a direction to the respondents to investigate the cause of the death of his son Sarayya, aged 16 years and take action in accordance with law.

In the affidavit filed by him, the petitioner has alleged that his son died on 22.11.2000 and complaint was lodged on 25.11.2000, but no action has been taken to investigate the crime.

In the counter-affidavit filed by him, Shri S. Ramesh, Sub-Inspector of police, Manuguru Police Station, Khammam District has detailed the steps taken by the police authorities to investigate the crime. This is evinced from paragraphs 2 to 4 of his affidavit, which are extracted below:

" 2. I submit that the petitioner came to the 2nd respondent

police station on 25.11.2000 at 12.00 hours and gave a complaint, stating that his son, by name Sarayya and another dumb boy, aged about 12 years on 22.11.2000, went about 5.00 pm. to the area or workshop to steal iron scrap. On that day at about 6.30 p.m., the dumb boy who went along with his son came alone and he has signalled that both of them went to that workshop to steal iron scrap, but while the complainant's son Sarayya involving in theft, he was chased by the security guards. He does not know where his son has gone. Thereafter, the petitioner appears to have searched for his son for two three days. In his complaint, the petitioner has stated that he found the body of his son at 9.00 a.m. on 25.11.2000, near the DRCC company in the decomposed state. He has stated that by virtue of beating by security guards of Singareni Collieries Company, his son might have been died. He requested the police to take action against the persons responsible for the death of his son. In his complaint, he has not suspected any persons, except stating that security guards of SCC are responsible for the above-said incident.

3. I submit that basing on the complaint given by the petitioner, I have registered a case in Cr.No. 136/2000 u/s 174 Cr.P.C. 'Suspicious death', on 25.11.2000 and taken up investigation. I submit that during the course of investigation, I have examined as many as 9 witnesses and recorded their statements. In the statements recorded during the course of investigation, none of the witnesses have mentioned the names of the suspected persons. Thereafter, an inquest was conduct ed on the body of the deceased in the presence of the mediators and the corpse was sent for post-mortem examination. The body of the deceased was photographed. The Civil Assistant Surgeon, Area Community Hospital, Bhadrachalam has conducted autopsy over the body of the deceased and preserved vicera and bone for chemical analysis and report. Thereafter, the same were sent to FSL, Hyderabad and Dept. of Forensic Medicine, University Genl. Hospital, Vijayawada on 2.12.2000 through the Sub-Divl. Police Officer for analysis and report. On12.1.2001, the expert opinion was received from Dept. of Forensic Medicine, University Genl. Hospital, Vijayawada,

stating that Hyoid bone was not fractured. The report from FSL, Hyderabad received was received on 5.3.2001, stating that no poisonous substance is found in the vicera. Basing on the FSL and expert opinion, the Medical Officer who conducted autopsy has given a detailed post-mortem report on 10.3.2001, stating that cause of death of the deceased was 'due to shock due to massive haemorrhage resulting from laderation of lungs caused by injuries (fractures) on chest wall (ribs) and no external injuries on the corpse:

4. I submit that during the course of investigation, the security guards of SCC Company who were on duty on 22.11.2000 at Area Workshop and the in-charge of the security guards were also examined and their complicity was ruled out. I submit that there is no negligence or delay on the part of the investigation agency in the above matter. I submit that still the investigation is under progress. I submit that if further clues come-forth, appropriate action will be taken, if necessary, by altering section of law. I submit that now for the first time, the petitioner in the writ petition has stated that watchmen namely, Upendra, R. Venkateshwarlu and Senior Kistappa were responsible for the death of his son and they have killed his son. I submit that the present statement of the petitioner runs contrary to the complaint given by the petitioner before the police on 25.11.2000. The contention of the petitioner that for the reasons best known to the police, they failed to conduct any further investigation and failed to take appropriate action against the persons who are responsible for his sons is baseless and incorrect. I have no knowledge about the representations said to have been submitted by the petitioner to the various authorities, including the Hon'ble Chief Minister. In respectfully submit that the police have taken all necessary steps for proper investigation and there is no negligence or inaction on the part of the police authorities. Therefore, the contention of the petitioner that in the case of his son's death, the respondent failed to take action immediately and to proceed with investigation, is not correct. I submit that all these allegations are invented for the purpose of this writ petition. There is no truth in the allegations leveled by the petitioner. The police will take all necessary steps for

completion of proper and fair investigation in the above case. After completion of investigation, appropriate action will be taken by the police in accordance with law."

Learned Assistant Government Pleader, on the basis of instructions given to her, made a statement that after completing the investigation, final report was filed on 10.06.2002.

In view of the uncontroverted averments contained in the affidavit of Shri S. Ramesh and the statement of the learned Assistant Government Pleader, the writ petition is disposed of as infructuous with liberty to the petitioner to pursue his grievance, if any against the final report filed by the police.

As a sequel to disposal of the writ petition as infructuous, W.P.M.P.No.15661 of 2001 filed by the petitioner for interim relief is also disposed of as infructuous.

**G.S. SINGHVI, CJ**

September 12, 2007

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